

REMARKS

Claims 1, 3 – 11, 13 – 17, 19, 20 and 22 – 27 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

CLAIM OBJECTIONS

Claims 8, 9, 15, 16, 21, 22, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for recognizing the allowability of the subject-matter of claims 8, 9, 15, 16, 21, 22, 24 and 25. Applicants have amended claim 17 to incorporate the subject-matter of claim 21, as discussed in further detail below. Applicants have presently refrained from rewriting any of claims 8, 9, 15, 16, 22, 24 and 25 into independent form in view of the amendments detailed herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 3 – 7, 10, 11, 13, 14, 17, 19, 20, 23 and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pentzien (U.S. Pat. No. 4,119,343). This rejection is respectfully traversed.

At the outset, Applicants note that 21 has been cancelled without prejudice or disclaimer of the subject-matter contained therein.

Applicants note that claims 1, 11 and 17 have been amended herein to include a stop defined in one of a top surface of the lower casting and a bottom surface of the upper casting, wherein relative pivotal motion between the upper and lower castings is limited by contact of the stop to one of the top surface of the lower casting and the bottom surface of the upper casting.

Applicants respectfully note that Pentzien fails to teach or suggest a stop that limits relative pivotal motion between the upper and lower castings. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Claim 17 has been amended to include a recliner mechanism operably interconnecting the seat frame and the base such that the seat frame is positionable between an upright position and a reclined position.

Applicants respectfully note that Pentzien fails to teach or suggest a chair assembly including a recliner mechanism and a rocker mechanism having an upper casting and a lower casting interconnected for relative pivotal motion by a first dual-rate leaf spring. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

With regard to claims 3 – 7, 10, 13, 14, 19, 20, 23 and 26, Applicants respectfully note that each depends either directly or indirectly from claims 1, 11 and 17, which define over the prior art, as discussed in detail above. Therefore, claims 3 – 7, 10, 13, 14, 19, 20, 23 and 26 also define over the prior art. Accordingly, reconsideration and withdrawal of the rejections are requested.

OTHER CLAIM AMENDMENTS

Claim 22 has been amended to depend from claim 17.

ALLOWABLE SUBJECT-MATTER

The Examiner has indicated that claim 27 is allowable. Applicants thank the Examiner and anticipate favorable consideration of the remaining claims.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 1/9/04

By: 

Ryan P. McCarthy
Reg. No. 50,636

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600